

HEALTH AND WELFARE
ADMINISTRATIVE RULES REVIEW
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2007 Legislative Session

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-0701

NOTICE OF RULEMAKING - TEMPORARY RULE

THIS NOTICE WAS PUBLISHED WITH THE TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2007.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 56-202(b), 56-203(g), 56-203(i), 56-250 through 56-257, Idaho Code and Title XIX and Title XXI of the Social Security Act, as amended, and the companion federal regulations; Senate Bill No. 1339 (2006); and State Plan Amendment 06-005.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

IDAPA 16.05.06, “Rules Governing Mandatory Criminal History Checks,” currently contains general language requiring criminal history background checks for providers of Medicaid services who provide direct care or services to children or vulnerable adults. Effective January 1, 2007, this general language will be removed and references will be added to specific Department program rules to assure that all providers who provide Home and Community Based Services to vulnerable adults are required to complete a criminal history background check.

Another change is being made. Senate Bill No. 1339, passed during the 2006 Legislative session, removed the requirement for a physician’s order for Personal Care Services. An amendment to Idaho’s state plan removing this requirement was recently approved by the Centers for Medicare and Medicaid Services. This rule change implements the law and state plan changes.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)a and b, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

For the protection of public health, safety, and welfare and to comply with state law. This rulemaking is initiated to comply with the provisions of Senate Bill No. 1339 passed by the 2006 Legislature and amendments to the Idaho Medicaid State Plan.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year. N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions

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concerning the temporary rule, contact LaDonna Larson, Division of Medicaid at (208) 287-1162.

DATED this 5th day of January, 2007.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Compliance With Department Criminal History Check. Agencies must verify that individuals working in the area listed in Section 009.04 of these rules whom are employed or whom they contract has complied with the provisions in IDAPA 16.05.06, “Rules Governing Mandatory Criminal History Checks.” (7-1-06)T

02. Availability to Work or Provide Service. (1-1-07)T

a. The employer, at its discretion, may allow an individual to provide care or services on a provisional basis once the application for a criminal history and background check is completed and notarized and the employer has reviewed the application for any disqualifying crimes or relevant records. The employer determines whether the individual could pose a health and safety risk to the vulnerable participants it serves. The individual is not allowed to provide care or services when the employer determines the individual has disclosed a disqualifying crime or relevant record. (1-1-07)T

b. Those individuals licensed or certified by the Department are not available to provide services or receive licensure or certification until the criminal history and background check is completed and a clearance issued by the Department. (1-1-07)T

03. Additional Criminal Convictions. Once an individual has received a criminal history clearance, any additional criminal convictions must be reported by the agency to the Department when the agency learns of the conviction. (7-1-06)T

04. Providers Subject to Criminal History and Background Check Requirements. The following providers are required to have a criminal history and background check: (7-1-06)T

a. Adult Day Care Providers. The criminal history and background check

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requirements applicable to providers of adult day care as provided in Sections 329 and 705 of these rules. ~~(7-1-06)T~~(1-1-07)T

b. Adult Residential Care Providers. The criminal history and background check requirements applicable to adult residential care providers as provided in Section 329 of these rules. (1-1-07)T

c. Attendant Care Providers. The criminal history and background check requirements applicable to attendant care providers as provided in Section 329 of these rules. (1-1-07)T

d. Behavior Consultation or Crisis Management Providers. The criminal history and background check requirements applicable to behavior consultation or crisis management providers as provided in Sections 329 and 705 of these rules. (1-1-07)T

~~be.~~ **Certified Family Home Providers and All Adults in the Home.** The criminal history and background check requirements applicable to certified family homes are found in ~~Subsections~~ 305, 329 and 705-~~04~~ of these rules, and as provided in IDAPA 16.03.19, "Rules Governing Certified Family Homes." ~~(7-1-06)T~~(1-1-07)T

f. Chore Services Providers. The criminal history and background check requirements applicable to chore services providers as provided in Section 329 of these rules. (1-1-07)T

g. Companion Services Providers. The criminal history and background check requirements applicable to companion services providers as provided in Section 329 of these rules. (1-1-07)T

h. Day Rehabilitation Providers. The criminal history and background check requirements applicable to day rehabilitation providers as provided in Section 329 of these rules. (1-1-07)T

ei. **Developmental Disabilities Agencies (DDA).** The criminal history and background check for DDA and staff as provided in IDAPA 16.04.11, "Rules Governing Developmental Disabilities Agencies," Section 009. (7-1-06)T

i. Homemaker Services Providers. The criminal history and background check requirements applicable to homemaker services providers as provided in Section 329 of these rules. (1-1-07)T

~~k.~~ **Mental Health Clinics.** The criminal history and background check requirements applicable to mental health clinic staff as provided in IDAPA 16.03.09, "Medicaid Basic Plan Benefits," Section 714. (7-1-06)T

el. **Personal Assistance Agencies Acting As Fiscal Intermediaries.** The criminal history and background check requirements applicable to the staff of personal assistance agencies acting as fiscal intermediaries as provided in Subsection 329.02 of these rules. (7-1-06)T

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fm. Personal Care Providers. The criminal history and background check requirements applicable to personal care providers as provided in Subsection 305.06 of these rules. (7-1-06)T

n. Psychiatric Consultation Providers. The criminal history and background check requirements applicable to psychiatric consultation providers as provided in Section 329 of these rules. (1-1-07)T

go. Psychosocial Rehabilitation Agencies. The criminal history and background check requirements applicable to psychosocial rehabilitation agency employees as provided in Subsection 130.02 of these rules. (7-1-06)T

hp. Residential Habilitation Providers. The criminal history and background check requirements applicable to residential habilitation providers as provided in Sections 329 and 705 of these rules, and IDAPA 16.04.17 "Rules Governing Residential Habilitation Agencies," Sections 202 and 301. ~~(7-1-06)T~~(1-1-07)T

q. Respite Care Providers. The criminal history and background check requirements applicable to respite care providers as provided in Section 329 of these rules. (1-1-07)T

ir. Service Coordinators And Paraprofessionals. The criminal history and background check requirements applicable to service coordinators and paraprofessionals working for an agency as provided in Section 729 of these rules. (7-1-06)T

s. Supported Employment Providers. The criminal history and background check requirements applicable to supported employment providers as provided in Sections 329 and 705 of these rules. (1-1-07)T

(BREAK IN CONTINUITY OF SECTIONS)

302. PERSONAL CARE SERVICES - ELIGIBILITY.

01. Financial Eligibility. The participant must be financially eligible for medical assistance under IDAPA 16.03.01, "Eligibility for Health Care Assistance for Families and Children," or 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)." (7-1-06)T

02. Other Eligibility Requirements. Regional Medicaid Services (RMS) will prior authorize payment for the amount and duration of all services when all of the following conditions are met: (7-1-06)T

a. The RMS finds that the participant is capable of being maintained safely and effectively in his own home or personal residence using PCS. (7-1-06)T

b. The participant is an adult for whom a Uniform Assessment Instrument (UAI) has been completed. A UAI is not to be completed for a child participant; (7-1-06)T

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- c. The RMS reviews the documentation for medical necessity; and
~~(7-1-06)T(1-1-07)T~~
- d. The participant has a plan of care; and
~~(7-1-06)T(1-1-07)T~~
- ~~e. Services are ordered by a physician or authorized provider. (7-1-06)T~~

03. State Plan Option. A participant who receives medical assistance is eligible for PCS under the State Medicaid Plan option if the Department finds he requires PCS due to a medical condition that impairs his physical or mental function or independence. (7-1-06)T

04. Annual Eligibility Redetermination. The participant's eligibility for PCS must be redetermined at least annually under Subsections 302.01. through 302.03 of these rules. (7-1-06)T

a. The annual financial eligibility redetermination must be conducted under IDAPA 16.03.01, "Eligibility for Health Care Assistance for Families and Children," or 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)." RMS must make the medical eligibility redetermination. The redetermination can be completed more often than once each year at the request of the participant, the Self-Reliance Specialist, the Personal Assistance Agency, the personal assistant, the supervising RN, the QMRP, or the physician ~~or authorized provider.~~
~~(7-1-06)T(1-1-07)T~~

- b. The medical redetermination must assess the following factors: (7-1-06)T
 - i. The participant's continued need for PCS; (7-1-06)T
 - ii. Discharge from PCS; and (7-1-06)T
 - iii. Referral of the participant from PCS to a nursing facility. (7-1-06)T

(BREAK IN CONTINUITY OF SECTIONS)

304. PERSONAL CARE SERVICES - PROCEDURAL REQUIREMENTS.

01. Service Delivery Based on Plan of Care or NSA. All PCS services are provided based on a written plan of care or a negotiated service agreement (NSA). The requirements for the NSA for participants in Residential Care or Assisted Living Facilities are described in IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho." The requirements for the NSA for participants in Certified Family Homes are described in IDAPA 16.03.19, "Rules Governing Certified Family Homes." The Personal Assistance Agency and the participant who lives in his own home are responsible to prepare the plan of care. (7-1-06)T

- a. The plan of care for participants who live in their own homes is based on:

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(7-1-06)T

- i. The physician's or authorized provider's information if applicable;
(7-1-06)T(1-1-07)T
- ii. The results of the UAI for adults, the Personal Assistance Agency's assessment for children and, if applicable, the QMRP's assessment and observations of the participant; and
(7-1-06)T
- iii. Information obtained from the participant.
(7-1-06)T
- b.** The plan of care must include all aspects of medical and non-medical care that the provider needs to perform, including the amount, type and frequency of necessary services.
(7-1-06)T
- c.** The plan of care must be revised and updated based upon treatment results or a change(s) in the participant's needs, or both, but at least annually.
(7-1-06)T
- 02. Service Supervision.** The delivery of PCS may be overseen by a licensed professional nurse (RN) or Qualified Mental Retardation Provider (QMRP). The RMS must identify the need for supervision.
(7-1-06)T
- a.** Oversight must include all of the following:
(7-1-06)T
 - i. Assistance in the development of the written plan of care;
(7-1-06)T
 - ii. Review of the treatment given by the personal assistant through a review of the participant's PCS record as maintained by the provider;
(7-1-06)T
 - iii. Reevaluation of the plan of care as necessary; and
(7-1-06)T
 - iv. Immediate notification of the guardian, emergency contact, or family members of any significant changes in the participant's physical condition or response to the services delivered.
(7-1-06)T
- b.** All participants who are developmentally disabled, other than those with only a physical disability as determined by the RMS, may receive oversight by a QMRP as defined in 42 CFR 483.430. Oversight must include:
(7-1-06)T
 - i. Assistance in the development of the plan of care for those aspects of active treatment which are provided in the participant's personal residence by the personal assistant;
(7-1-06)T
 - ii. Review of the care or training programs given by the personal assistant through a review of the participant's PCS record as maintained by the provider and through on-site interviews with the participant;
(7-1-06)T
 - iii. Reevaluation of the plan of care as necessary, but at least annually; and
(7-1-06)T

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iv. An on-site visit to the participant to evaluate any change of condition when requested by the personal assistant, the Personal Assistance Agency, the nurse supervisor, the service coordinator or the participant. (7-1-06)T

03. PCS Record Requirements for a Participant in His Own Home. The PCS records must be maintained on all participants who receive PCS in their own homes. (7-1-06)T

a. Written Requirements. The PCS provider must maintain written documentation of every visit made to the participant's home and must record the following minimum information: (7-1-06)T

i. Date and time of visit; (7-1-06)T

ii. Length of visit; (7-1-06)T

iii. Services provided during the visit; and (7-1-06)T

iv. Documentation of any changes noted in the participant's condition or any deviations from the plan of care. (7-1-06)T

b. Participant's Signature. The participant must sign the record of service delivery verifying that the services were delivered. The RMS may waive this requirement if it determines the participant is not able to verify the service delivery. (7-1-06)T

c. A copy of the information required in Subsection 304.03 of these rules must be maintained in the participant's home unless the RMS authorizes the information to be kept elsewhere. Failure to maintain this information may result in recovery of funds paid for undocumented services. (7-1-06)T

d. Telephone Tracking System. Agencies may employ a software system that allows personal assistants to register their start and stop times and a list of services by placing a telephone call to the agency system from the participant's home. This system will not take the place of documentation requirements of Subsection 304.03 of these rules. (7-1-06)T

e. Participant in a Residential or Assisted Living Facility. The PCS record requirements for participants in Residential Care or Assisted Living Facilities are described in IDAPA 16.03.22. "Residential Care or Assisted Living Facilities in Idaho." (7-1-06)T

f. Participant in a Certified Family Home. The PCs record requirements for participants in Certified Family Homes are described in IDAPA 16.03.19, "Rules Governing Certified Family Homes." (7-1-06)T

04. Provider Responsibility for Notification. The Personal Assistance Agency is responsible to notify the RMS and physician or authorized provider when any significant changes in the participant's condition are noted during service delivery. This notification must be documented in the Personal Assistance Agency record. (7-1-06)T

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(BREAK IN CONTINUITY OF SECTIONS)

329. AGED OR DISABLED WAIVER SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

Each provider must have a signed provider agreement with the Department for each of the services it provides. (7-1-06)T

01. Employment Status. Unless otherwise specified by the Department, each individual service provider must be an employee of record or fact of an agency. The Department may enter into provider agreements with individuals in situations in which no agency exists, or no fiscal intermediary is willing to provide services. Such agreements will be reviewed annually to verify whether coverage by an agency or fiscal intermediary is still not available. (10-1-06)T

02. Personal Assistance Agency That Provides Fiscal Intermediary Services. A personal assistance agency that focuses on fostering participant independence and personal control of services delivered. The core tasks are: (7-1-06)T

a. To directly assure compliance with legal requirements related to employment of waiver service providers; (7-1-06)T

b. To offer supportive services to enable participants or families consumers to perform the required employer tasks themselves; (7-1-06)T

c. To bill the Medicaid program for services approved and authorized by the Department; (7-1-06)T

d. To collect any participant participation due; (7-1-06)T

e. To pay personal assistants and other waiver service providers for service; (7-1-06)T

f. To perform all necessary withholding as required by state and federal labor and tax laws, rules and regulations; (7-1-06)T

g. To offer a full range of services and perform all services contained in a written agreement between the participant and the provider; (7-1-06)T

h. Make referrals for PCS eligible participant for service coordination when a need for such services is identified; and (7-1-06)T

i. Obtain such criminal background checks and health screens on new and existing employees of record and fact as required. (7-1-06)T

03. Provider Qualifications. All providers of homemaker, respite care, adult day health, transportation, chore companion, attendant adult residential care, home delivered meals,

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and behavior consultants must meet, either by formal training or demonstrated competency, the training requirements contained in the provider training matrix and the standards for direct care staff and allowable tasks or activities in the Department's approved Aged and Disabled waiver as approved by CMS. (7-1-06)T

a. A waiver provider can not be a relative of any participant to whom the provider is supplying services. (7-1-06)T

b. For the purposes of Section 329 of these rules, a relative is defined as a spouse or parent of a minor child. (7-1-06)T

c. Individuals who provide direct care or services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks" including: (1-1-07)T

i. Companion services; (1-1-07)T

ii. Chore services; and (1-1-07)T

iii. Respite care services. (1-1-07)T

04. Specialized Medical Equipment Provider Qualifications. Providers of specialized medical equipment and supplies must be enrolled in the Medicaid program as participating medical vendor providers. (7-1-06)T

05. Nursing Service Provider Qualifications. Nursing Service Providers must be licensed as an R.N. or L.P.N. in Idaho or be practicing on a federal reservation and be licensed in another state. (7-1-06)T

06. Psychiatric Consultation Provider Qualifications. Psychiatric Consultation Providers must have: (7-1-06)T

a. A master's degree in a behavioral science; (7-1-06)T

b. Be licensed in accordance with state law and regulations; or (7-1-06)T

c. ~~Have~~ A bachelor's degree and work for an agency with direct supervision from a licensed or Ph.D. psychologist and have one (1) year's experience in treating severe behavior problems. ~~(7-1-06)T~~(1-1-07)T

d. Psychiatric consultation providers who provide direct care or services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks." (1-1-07)T

07. Service Coordination. Service coordinators and service coordination agencies must meet the requirements specified in Section 729 of these rules unless specifically modified by another section of these rules. (7-1-06)T

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08. Consultation Services. Services must be provided through a Personal Assistance Agency by a person who has demonstrated skills in training participants/family members in hiring, firing, training, and supervising their own care providers. (7-1-06)T

09. Adult Residential Care Providers. Adult Residential Care providers will meet all applicable state laws and regulations. In addition, the provider must ensure that adequate staff are ~~is~~ provided to meet the needs of the participants accepted for admission. Adult residential care providers who provide direct care or services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.03.19, "Rules Governing Certified Family Homes" and IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho." ~~(7-1-06)T~~(1-1-07)T

10. Home Delivered Meals. Providers must be a public agency or private business and must be capable of: (7-1-06)T

- a.** Supervising the direct service; (7-1-06)T
- b.** Providing assurance that each meal meets one-third (1/3) of the recommended daily allowance, as defined by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences; (7-1-06)T
- c.** Delivering the meals in accordance with the plan for care, in a sanitary manner and at the correct temperature for the specific type of food; (7-1-06)T
- d.** Maintaining documentation that the meals served are made from the highest USDA grade for each specific food served; and (7-1-06)T
- e.** Being inspected and licensed as a food establishment by the district health department. (7-1-06)T

11. Personal Emergency Response Systems. Providers must demonstrate that the devices installed in waiver participant's homes meet Federal Communications Standards, Underwriter's Laboratory Standards, or equivalent standards. (7-1-06)T

12. Adult Day Care. Facilities that provide adult day care must be maintained in safe and sanitary manner. (10-1-06)T

- a.** Facilities will provide the necessary space and staff to meet the needs of the participants accepted by the provider. Supervision must be provided by the facility as necessary, to assure the safety and comfort of participants served. (7-1-06)T
- b.** Providers who accept participants into their homes for services must maintain the homes in a safe and sanitary manner. Supervision must be provided by the provider as necessary to assure the safety and comfort of participants served. (10-1-06)T
- c.** Adult day care providers who provide direct care or services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks." (1-1-07)T

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13. Assistive Technology. All items must meet applicable standards of manufacture, design and installation. The equipment must be the most cost effective to meet the participant's need. (7-1-06)T

14. Assisted Transportation Services. See Subsection 329.03 of this rule for provider qualifications. (7-1-06)T

15. Attendant Care. See Subsection 329.03 of this rule for provider qualifications. Attendant care providers who provide direct care and services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks." ~~(7-1-06)T~~(1-1-07)T

16. Homemaker Services. The homemaker must be an employee of record or fact of an agency. Homemaker service providers who provide direct care or services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks." ~~(7-1-06)T~~(1-1-07)T

17. Home Modifications. All services must be provided in accordance with applicable state or local building codes and meet state or local building, plumbing, and electrical requirements for certification. (7-1-06)T

18. Residential Habilitation Provider Qualifications. Residential habilitation services must be provided by an agency that is capable of supervising the direct services provided. Individuals who provide residential habilitation services in their own home must be certified by the Department as a certified family home and must be affiliated with a residential habilitation agency. The residential habilitation agency provides oversight, training, and quality assurance to the certified family home provider. Individuals who provide residential habilitation services in the home of the participant (supported living), must be employed by a residential habilitation agency. Providers of residential habilitation services must meet the following requirements: (10-1-06)T

- a. Direct service staff must meet the following minimum qualifications: (10-1-06)T
 - i. Be at least eighteen (18) years of age; (10-1-06)T
 - ii. Be a high school graduate or have a GED or demonstrate the ability to provide services according to a plan of care; (10-1-06)T
 - iii. Have current CPR and First Aid certifications; (10-1-06)T
 - iv. Be free from communicable diseases; (10-1-06)T
 - v. Each staff person assisting with participant medications must successfully complete and follow the "Assistance with Medications" course available through the Idaho Professional Technical Education Program approved by the Idaho State Board of Nursing or other Department-approved training. (10-1-06)T
 - vi. Residential habilitation providers who provide direct care or services must

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satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks;" ~~(10-1-06)T~~(1-1-07)T

vii. Have appropriate certification or licensure if required to perform tasks which require certification or licensure. Direct service staff must also have taken a traumatic brain injury training course approved by the Department. (10-1-06)T

b. The provider agency is responsible for providing direct service staff with a traumatic brain injury training course approved by the Department, and training specific to the needs of the participant. Skill training may be provided by a Program Coordinator who has demonstrated experience in writing skill training programs, if no agency is available in their geographic area as outlined in Subsection 329.18.c. of this rule. (10-1-06)T

c. Residential habilitation providers who are unable to be employed by an agency because one is not available in their geographic area, must receive program development, implementation and oversight of service delivery services by a program coordinator who has a valid service coordination provider agreement with the Department and who has taken a traumatic brain injury training course approved by the Department. (10-1-06)T

d. Prior to delivering services to a participant, direct service staff must complete an orientation program. The orientation program must include the following subjects: (10-1-06)T

- i. Purpose and philosophy of services; (7-1-06)T
- ii. Service rules; (7-1-06)T
- iii. Policies and procedures; (7-1-06)T
- iv. Proper conduct in relating to waiver participants; (7-1-06)T
- v. Handling of confidential and emergency situations that involve the waiver participant; (7-1-06)T
- vi. Participant rights; (7-1-06)T
- vii. Methods of supervising participants; (7-1-06)T
- viii. Working with individuals with traumatic brain injuries; and (7-1-06)T
- ix. Training specific to the needs of the participant. (7-1-06)T

e. Additional training requirements must be completed within six (6) months of employment or affiliation with the residential habilitation agency and include at a minimum: (10-1-06)T

- i. Instructional techniques: Methodologies for training in a systematic and effective manner; (10-1-06)T

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- ii. Managing behaviors: Techniques and strategies for teaching adaptive behaviors; (10-1-06)T
 - iii. Feeding; (10-1-06)T
 - iv. Communication; (10-1-06)T
 - v. Mobility; (10-1-06)T
 - vi. Activities of daily living; (10-1-06)T
 - vii. Body mechanics and lifting techniques; (10-1-06)T
 - viii. Housekeeping techniques; and (10-1-06)T
 - ix. Maintenance of a clean, safe, and healthy environment. (10-1-06)T
- f.** The provider agency will be responsible for providing on-going training specific to the needs of the participant as needed; and (10-1-06)T
- g.** When residential habilitation services are provided in the provider's home, the provider must meet the requirements in IDAPA 16.03.19, "Rules Governing Certified Family Homes." Non-compliance with the certification process is cause for termination of the provider agreement or contract. (10-1-06)T
- 19. Day Rehabilitation Provider Qualifications.** Providers of day rehabilitation services must have a minimum of two (2) years of experience working directly with persons with a traumatic brain injury, must provide documentation of standard licensing specific to their discipline, and must have taken a traumatic brain injury course approved by the Department. Day rehabilitation providers who provide direct care and services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Criminal History and Background Checks." ~~(10-1-06)T~~(1-1-07)T
- 20. Supported Employment Service Providers.** Supported employment services must be provided by an agency capable of supervising the direct service and be accredited by the Commission on Accreditation of Rehabilitation Facilities; or other comparable standards; or meet State requirements to be a State-approved provider, and have taken a traumatic brain injury training course approved by the Department. Supported employment service providers who provide direct care or services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Criminal History and Background Checks." ~~(10-1-06)T~~(1-1-07)T
- 21. Behavior Consultation or Crisis Management Service Providers.** Behavior consultation or crisis management providers must meet the following: (10-1-06)T
- a.** Have a Master's Degree in a behavioral science such as social work, psychology, psychosocial rehabilitation counseling, psychiatric nursing, or a closely related course of study; (10-1-06)T

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- b.** Be a licensed pharmacist; or (10-1-06)T
- c.** Work for a provider agency capable of supervising the direct service or work under the direct supervision of a licensed psychologist or Ph.D., with training and experience in treating severe behavior problems and training and experience in applied behavior analysis; and (10-1-06)T
- d.** Take a traumatic brain injury training course approved by the Department. (10-1-06)T
- e.** Emergency back-up providers must also meet the minimum provider qualifications under residential habilitation services. (10-1-06)T
- f.** Behavioral consultation or crisis management service providers who provide direct care or services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks." (1-1-07)T

(BREAK IN CONTINUITY OF SECTIONS)

705. DD/ISSH WAIVER SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

All providers of waiver services must have a valid provider agreement with the Department. Performance under this agreement will be monitored by the Department. (7-1-06)T

01. Residential Habilitation. Residential habilitation services must be provided by an agency that is certified by the Department as a Residential Habilitation Agency under IDAPA 16.04.17, "Rules Governing Residential Habilitation Agencies," and is capable of supervising the direct services provided. Individuals who provide residential habilitation services in their own home must be certified by the Department as a certified family home and must be affiliated with a Residential Habilitation Agency. The Residential Habilitation Agency provides oversight, training, and quality assurance to the certified family home provider. Individuals who provide residential habilitation services in the home of the participant (supported living), must be employed by a Residential Habilitation Agency. Providers of residential habilitation services must meet the following requirements: (7-1-06)T

- a.** Direct service staff must meet the following minimum qualifications: (7-1-06)T

 - i.** Be at least eighteen (18) years of age; (7-1-06)T
 - ii.** Be a high school graduate or have a GED or demonstrate the ability to provide services according to an plan of service; (7-1-06)T
 - iii.** Have current CPR and First Aid certifications; (7-1-06)T

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- iv. Be free from communicable diseases; (7-1-06)T
- v. Each staff person assisting with participant medications must successfully complete and follow the "Assistance with Medications" course available through the Idaho Professional Technical Education Program approved by the Idaho State Board of Nursing or other Department-approved training. Staff previously trained on assistance with medications by a licensed nurse but who have not completed this course must meet this requirement by July 1, 2007. (7-1-06)T
- vi. Residential habilitation service providers who provide direct care or services must satisfactorily complete a criminal background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks." ~~(7-1-06)T~~(1-1-07)T
- vii. Have appropriate certification or licensure if required to perform tasks which require certification or licensure. (7-1-06)T
- b.** All skill training for direct service staff must be provided by a Qualified Mental Retardation Professional (QMRP) who has demonstrated experience in writing skill training programs. (7-1-06)T
- c.** Prior to delivering services to a participant, direct service staff must complete an orientation program. The orientation program must include the following subjects: (7-1-06)T
 - i. Purpose and philosophy of services; (7-1-06)T
 - ii. Service rules; (7-1-06)T
 - iii. Policies and procedures; (7-1-06)T
 - iv. Proper conduct in relating to waiver participants; (7-1-06)T
 - v. Handling of confidential and emergency situations that involve the waiver participant; (7-1-06)T
 - vi. Participant rights; (7-1-06)T
 - vii. Methods of supervising participants; (7-1-06)T
 - viii. Working with individuals with developmental disabilities; and (7-1-06)T
 - ix. Training specific to the needs of the participant. (7-1-06)T
- d.** Additional training requirements must be completed within six (6) months of employment or affiliation with the residential habilitation agency and include at a minimum: (7-1-06)T
 - i. Instructional techniques: Methodologies for training in a systematic and effective manner; (7-1-06)T

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- ii. Managing behaviors: Techniques and strategies for teaching adaptive behaviors; (7-1-06)T
 - iii. Feeding; (7-1-06)T
 - iv. Communication; (7-1-06)T
 - v. Mobility; (7-1-06)T
 - vi. Activities of daily living; (7-1-06)T
 - vii. Body mechanics and lifting techniques; (7-1-06)T
 - viii. Housekeeping techniques; and (7-1-06)T
 - ix. Maintenance of a clean, safe, and healthy environment. (7-1-06)T
- e.** The provider agency will be responsible for providing on-going training specific to the needs of the participant as needed. (7-1-06)T
- f.** When residential habilitation services are provided in the provider's home, the provider's home must meet the requirements in IDAPA 16.03.19, "Rules Governing Certified Family Homes." Non-compliance with the certification process is cause for termination of the provider's provider agreement. (7-1-06)T
- 02. Chore Services.** Providers of chore services must meet the following minimum qualifications: (7-1-06)T
- a.** Be skilled in the type of service to be provided; and (7-1-06)T
 - b.** Demonstrate the ability to provide services according to a plan of service. (7-1-06)T
- c.** Chore service providers who provide direct care and services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks." (1-1-07)T
- 03. Respite.** Providers of respite care services must meet the following minimum qualifications: (7-1-06)T
- a.** Meet the qualifications prescribed for the type of services to be rendered or must be an individual selected by the waiver participant, the family or his guardian; (7-1-06)T
 - b.** Have received care giving instructions in the needs of the person who will be provided the service; (7-1-06)T
 - c.** Demonstrate the ability to provide services according to an plan of service;

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(7-1-06)T

d. Have good communication and interpersonal skills and the ability to deal effectively, assertively and cooperatively with a variety of people; (7-1-06)T

e. Be willing to accept training and supervision by a provider agency or the primary caregiver of services; and (7-1-06)T

f. Be free of communicable diseases. (7-1-06)T

g. Respite care service providers who provide direct care and services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks." (1-1-07)T

04. Supported Employment. Supported Employment services must be provided by an agency capable of supervising the direct service and be accredited by the Commission on Accreditation of Rehabilitation Facilities; or other comparable standards; or meet State requirements to be a State approved provider. Supported employment service providers who provide direct care or services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks." ~~(7-1-06)T~~(1-1-07)T

05. Transportation. Providers of transportation services must: (7-1-06)T

a. Possess a valid driver's license; and (7-1-06)T

b. Possess valid vehicle insurance. (7-1-06)T

06. Environmental Accessibility Adaptations. Environmental accessibility adaptations services must: (7-1-06)T

a. Be done under a permit, if required; and (7-1-06)T

b. Demonstrate that all modifications, improvements, or repairs are made in accordance with local and state housing and building codes. (7-1-06)T

07. Specialized Equipment and Supplies. Specialized Equipment and Supplies purchased under this service must: (7-1-06)T

a. Meet Underwriter's Laboratory, FDA, or Federal Communication Commission standards where applicable; and (7-1-06)T

b. Be obtained or provided by authorized dealers of the specific product where applicable. This may include medical supply businesses or organizations that specialize in the design of the equipment. (7-1-06)T

08. Personal Emergency Response System. Personal Emergency Response Systems (PERS) must demonstrate that the devices installed in waiver participants' homes meet Federal

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Communications Standards or Underwriter's Laboratory standards or equivalent standards.

(7-1-06)T

09. Home Delivered Meals. Services of Home Delivered Meals under this section may only be provided by an agency capable of supervising the direct service and must: (7-1-06)T

a. Provide assurances that each meal meets one third (1/3) of the Recommended Dietary Allowance as defined by the Food and Nutrition Board of National Research Council or meet physician ordered individualized therapeutic diet requirement; (7-1-06)T

b. Must provide assurances that the meals are delivered on time and demonstrate the ability to deliver meals at a minimum of three (3) days per week; (7-1-06)T

c. Maintain documentation reflecting the meals delivered are nutritionally balanced and made from the highest U.S.D.A. Grade for each specific food served; (7-1-06)T

d. Provide documentation of current driver's license for each driver; and (7-1-06)T

e. Must be inspected and licensed as a food establishment by the District Health Department. (7-1-06)T

10. Skilled Nursing. Nursing service providers must provide documentation of current Idaho licensure as a licensed professional nurse (RN) or licensed practical nurse (LPN) in good standing. (7-1-06)T

11. Behavior Consultation or Crisis Management. Behavior Consultation or Crisis Management Providers must meet the following: (7-1-06)T

a. Work for a provider agency capable of supervising the direct service or work under the direct supervision of a licensed psychologist or Ph.D. in Special Education, with training and experience in treating severe behavior problems and training and experience in applied behavior analysis; and (7-1-06)T

b. Must have a Master's Degree in a behavioral science such as social work, psychology, psychosocial rehabilitation counseling, psychiatric nursing, special education or a closely related course of study; or (7-1-06)T

c. Be a licensed pharmacist; or (7-1-06)T

d. Be a Qualified Mental Retardation Professional (QMRP). (7-1-06)T

e. Emergency back-up providers must meet the minimum residential habilitation provider qualifications described under IDAPA 16.04.17, "Rules Governing Residential Habilitation Agencies." (7-1-06)T

f. Behavior consultation or crisis management providers who provide direct care or services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks." (1-1-07)T

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12. Adult Day Care. Providers of adult day care services must be employed by or be affiliated with the residential habilitation agency that provides program coordination for the participant if the service is provided in a certified family home other than the participant's primary residence, be capable of supervising direct services, provide services as identified on the plan of service, provide care and supervision identified on the participant's residential habilitation plan, and must meet the following minimum qualifications: (7-1-06)T

a. Demonstrate the ability to communicate and deal effectively, assertively, and cooperatively with a variety of people; (7-1-06)T

b. Be a high school graduate, or have a GED or demonstrate the ability to provide services according to the plan of service; (7-1-06)T

c. Be free from communicable disease; (7-1-06)T

d. Adult day care providers who provide direct care or services must satisfactorily complete a criminal history check in accordance with IDAPA 16.05.06, "Rules Governing Mandatory Criminal History Checks"; ~~(7-1-06)T~~(1-1-07)T

e. Demonstrate knowledge of infection control methods; and (7-1-06)T

f. Agree to practice confidentiality in handling situations that involve waiver participants. (7-1-06)T

13. Service Supervision. The plan of service which includes all waiver services is monitored by the plan monitor or targeted service coordinator. (7-1-06)T